

## EXHIBIT 1



Entered on Docket  
April 01, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,  
USA Capital Realty Advisors, LLC,  
USA Capital Diversified Trust Deed Fund, LLC,  
USA Capital First Trust Deed Fund, LLC,<sup>1</sup>  
USA Securities, LLC,<sup>2</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>1</sup>  
Case No. BK-S-06-10729-LBR<sup>2</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART,  
UPON INVESTMENT IN THE J  
JIREH'S CORPORATION LOAN**

Hearing Date: March 25, 2008  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on October 12, 2007.

<sup>2</sup> This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus  
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon  
3 Investment in the J Jireh's Corporation Loan (the "Objection") [DE 5835]. Adequate  
4 notice of the Objection was given. The Court heard the Objection on March 25, 2008. No  
5 responses were filed to the Objection and no opposition was raised at the hearing. Good  
6 cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they  
10 are based upon an investment in the J Jireh's Corporation Loan. The Proofs of  
11 Claim listed in Exhibit A are not affected by this order to the extent they are  
12 based upon an investment in a loan(s) other than the J Jireh's Corporation Loan;  
13 and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to  
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 ###

17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#0006593)

20 Susan M. Freeman

21 Rob Charles

22 John Hinderaker

23 *Attorneys for USACM Liquidating Trust*  
24  
25  
26

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)  
Susan M. Freeman  
Rob Charles  
John Hinderaker  
*Attorneys for USACM Liquidating Trust*

**J JIREH'S  
Multiple Loan Claim**

**EXHIBIT A  
SECOND OMNIBUS OBJECTION**

| <b>Claim</b>       | <b>Name</b>   | <b>Address</b>   | <b>Total Claim Amount</b> | <b>Approximate Amount Subject to Objection Because it Relates to an Investment In the J Jireh's Loan</b> |
|--------------------|---|--|---------------------------|--|
| <b>10725-00297</b> | Michael Donahue   | 1795 Newhall Avenue<br>Cambria, CA 93428-5507  | \$250,000.00              | \$50,000.00  |
| <b>10725-02144</b> | Michael S. Freedus<br>DDS PC Defined<br>Benefit Pension P | 2535 Lake Road<br>Delanson, NY 12053   | \$251,370.92              | \$50,000.00  |
| <b>10725-02404</b> | Eric B. and Linda P.<br>Freedus JT TEN                    | 5008 Nighthawk Way<br>Oceanside, CA 92056  | \$304,419.00              | \$50,000.00  |
| <b>10725-02286</b> | John A. M. Handal   | 3575 Siskiyau Court<br>Hayward, CA 94542   | \$711,472.73              | \$100,000.00   |
| <b>10725-02058</b> | Suze Harrington   | 2131 Connor Park Cv<br>Salt Lake City, UT 84109-2468                                 | \$304,534.25              | \$50,000.00  |
| <b>10725-02042</b> | Herd Family Trust<br>DTD 4/23/99                          | c/o Allen and Marilyn Herd<br>TTEES<br>598 Alawa Place<br>Angels Camp, CA 95222-9768 | \$303,044.51              | \$100,000.00   |
| <b>10725-00500</b> | Everett H. Johnston<br>Family Trust DTD<br>1/24/90        | c/o Everett H. Johnston Trustee<br>P.O. Box 3605<br>Incline Village, NV 89450-3605   | \$668,305.12              | \$100,000.00   |
| <b>10725-02127</b> | Phyllis Johnson   | c/o Ron Johnson<br>P.O. Box 27<br>Reno, NV 89504                                     | \$101,400.00              | \$50,000.00  |
| <b>10725-02262</b> | Phyllis Johnson   | c/o Ron Johnson<br>P.O. Box 27<br>Reno, NV 89504                                     | \$101,400.00              | \$50,000.00  |
| <b>10725-01898</b> | Morris Massry   | c/o Segel Goldman Mazzotta &<br>Siegel PC<br>9 Washington Square<br>Albany, NY 12205 | \$1,802,040.00            | \$101,527.78   |